

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LYNN GAVIN, ET AL.,

Plaintiffs,

v.

SAN FRANCISCO HOUSING AUTHORITY, ET
AL.,

Defendants.

Case No. 16-cv-04974-YGR

**ORDER RE: DISMISSAL OF CASE FOR
FAILURE TO PROSECUTE**

Re: Dkt. No. 26

By Order issued November 16, 2016 (Dkt. No. 26), plaintiff was directed to serve federal defendants no later than January 16, 2017 and to file the proof of service. As of January 23, 2017, plaintiff has not complied with the Court's order. Plaintiff has not filed anything with the Court since October 5, 2016. (Dkt. No. 25.)

Pursuant to Rule 41(b), a district court may *sua sponte* dismiss an action for failure to prosecute or to comply with a court order. *See Link v. Wabash R. Co.*, 370 U.S. 626, 633 (1962) (recognizing courts' inherent authority to dismiss for lack of prosecution); *McKeever v. Block*, 932 F.2d 795, 797 (9th Cir. 1991) (same). But such a dismissal should only be ordered when the failure to comply is unreasonable. *McKeever*, 932 F.2d at 797. A district court should afford the litigant prior notice of its intention to dismiss. *See Malone v. United States Postal Serv.*, 833 F.2d 128, 132-33 (9th Cir. 1987).

Here, the Court warned plaintiff in its Order that it was considering dismissing this lawsuit. Nonetheless, plaintiff has not served federal defendants. Furthermore, it has been more than three months since plaintiff has communicated with the Court. Pursuant to Rule 41(b), the Court may dismiss an action in the interest of justice and judicial efficiency for failure to prosecute.

1 The Court will provide plaintiff with one more opportunity to show intent to prosecute this
2 case. Accordingly, a proof of service on the federal defendants must be filed by **Friday, February**
3 **10, 2017**. If it is not filed, the case will be **DISMISSED WITHOUT PREJUDICE** as to the federal
4 defendants for failure to prosecute on **Monday, February 13, 2017**.

IT IS SO ORDERED.

6 | Dated: January 25, 2017

Suzanne Gyseloff Meeg

YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

United States District Court
Northern District of California